

Notice of Allowability

Application No.

10/602,676

Applicant(s)

DELIUS ET AL.

Examiner

Ana L. Woodward

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to June 25, 2003.
2. ☒ The allowed claim(s) is/are 14-29.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/963,512.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. <u>6/25/03</u> | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Ana L. Woodward
Examiner
Art Unit: 1711

DETAILED ACTION
EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Susan E. Shaw McBee on November 13, 2003.

2. The application has been amended as follows:

i) In claim 14, second line, the term "comprises" has been amended to read --consists essentially of--;

ii) In claim 14, line 5, the terminology "an olefinic polymer, wherein the olefinic polymer is" has been deleted;

iii) In claim 14, line 6, the terminology --consisting essentially of units of ethylene or propylene, and optionally, of linear (C4-C8) α -olefins, and said block copolymer being-- has been inserted after "copolymer"; and

iv) The following new claims 18-29 have been added.

18. (new) A film as claimed in claim 14, wherein said coherent phase is present in an amount from 50 to 95% by weight, based in each case on the total weight of the polymer blend.

19. (new) A film as claimed in claim 14, wherein the coherent phase comprises an aliphatic (co)polyamide, a mixture of two or more aliphatic (co)polyamides, or a mixture of at least one aliphatic (co)polyamide with at least one semiaromatic (co)polyamide.

20. (new) A film as claimed in claim 14, wherein the molar mass M_n of the (co)polyamide is from about 20,000 to 40,000 g/mol.

21. (new) A film as claimed in claim 14, wherein the olefin block copolymer comprises polypropylene (PP) blocks and/or ethylene/propylene copolymer (EPM) blocks.

22. (new) A film as claimed in claim 14, wherein the olefin block copolymer includes at least one selected from the group consisting of polypropylene (PP) blocks, ethylene/propylene copolymer (EPM) blocks, and ethylene/linear (C4-C8) α -olefin copolymer (EBM) blocks.

23. (new) A film as claimed in claim 14, wherein the proportion of graft groups is from 0.3 to 0.8% by weight, based on the weight of the olefin block copolymer.

24. (new) A film as claimed in claim 23, wherein the olefin block copolymer has been grafted with an anhydride of an unsaturated, aliphatic polycarboxylic acid.

25. (new) A film as claimed in claim 24, wherein the unsaturated aliphatic polycarboxylic anhydride comprises maleic anhydride, citraconic anhydride, or itaconic anhydride.

26. (new) A film as claimed in claim 25, wherein the olefin block copolymer has been grafted with maleic anhydride in the presence of monomeric styrene and an organic peroxide.

27. (new) A film as claimed in claim 26, wherein the molar ratio of monomeric styrene to maleic anhydride is in the range from 0.4 to 1.4.

28. (new) A film as claimed in claim 14, wherein the aliphatic and/or semiaromatic (co)polyamide and the olefin block copolymer grafted with intramolecular carboxylic anhydrides have been reacted with one another, thereby forming covalent bonds.

29. (new) A film as claimed in claim 14, wherein said phase made from an olefin block copolymer comprises particles with a diameter d_p of from 0.2 to 5.0 μm .

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The present claims have been amended to recite "a polymer blend consisting essentially of" which effectively precludes the presence of the additional polyfunctional compound (C) disclosed by U.S. 5,221,712 (Ohmae et al). It is reasonably believed that the introduction of an additional reactive polyfunctional compound to the present composition would materially affect its novel and basic characteristics. Accordingly, said amendment effectively serves to patentably distinguish the present claims from the disclosure of Ohmae et al.

The present claims have been amended to recite an olefin block copolymer "consisting essentially of units of ethylene or propylene, and optionally, of linear (C4-C8) alpha-olefins", to preclude the styrene blocks required by the block copolymers of U.S. 5,506,299 (Gelles et al) and U.S. 6,306,951 (Montag et al). It is reasonably believed that the introduction of aromatic styrene blocks to the presently claimed block copolymer would materially affect the novel and basic characteristics of the presently claimed composition. Accordingly, said amendment effectively serves to patentably distinguish the present claims from the disclosures of Gelles et al '299 and Montag et al '951.

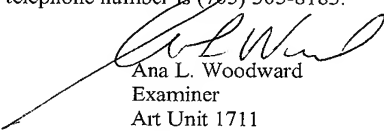
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana L. Woodward whose telephone number is (703) 308-2401. The examiner can normally be reached on Monday-Friday (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8183.



Ana L. Woodward
Examiner
Art Unit 1711

AW
November 14, 2003